

Practitioner Docket No. 10/760,016 DIV3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James Michael, et al.
Application No.: 10/760,016
Filed: January 15, 2004
Title: Apparatus For Dispensing
Medical Items

Confirmation No.: 8515
Art Unit: 3653
Primary Examiner: Kenneth Noland

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))**

Identification of Person(s) Making This Disclaimer

I, Ralph E. Jocke, represent that I am an attorney of record.

EXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER

Petitioner(s) hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,776,306 B1, as presently shortened by any terminal disclaimer. Petitioner(s) hereby agree(s) that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the patent forming the basis of the double patenting rejection, namely, Patent No. 6,776,306 B1, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

DISCLAIMER FEE
(37 C.F.R. § 1.20(d))


Other than a small entity - fee \$130.00.

FEE PAYMENT

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 10-0637.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this disclaimer is attached.



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